

**NEWPORT BEACH PLANNING COMMISSION MINUTES**  
**Council Chambers – 3300 Newport Boulevard**  
**Thursday, January 17, 2013**  
**REGULAR MEETING**  
**6:30 p.m.**

I. **CALL TO ORDER** – The meeting was called to order at 6:30 p.m.

II. **PLEDGE OF ALLEGIANCE** – Commissioner Hillgren

III. **ROLL CALL**

PRESENT: Brown, Hillgren, Myers, Toerge and Tucker

ABSENT: Ameri (arrived at 7:27 p.m.), Kramer (arrived at 6:34 p.m.)

Staff Present: Kim Brandt, Community Development Director; Leonie Mulvihill, Assistant City Attorney; Tony Brine, City Traffic Engineer; Melinda Whelan, Assistant Planner; Patrick Alford, Planning Manager; James Campbell, Principal Planner; Ruby Garciamay, Community Development Department Assistant

IV. **PUBLIC COMMENTS**

Chair Toerge invited those wishing to address the Commission on non-agenda items to do so at this time.

Jim Mosher reported on recent Council actions to reject written comments submitted less than twenty-four hours prior to meetings and reducing all public comments from five minutes to three minutes. He hoped that the Planning Commission would not adopt similar innovations.

There being no others wishing to address the Commission, Chair Toerge closed the public comments portion of the meeting.

V. **REQUEST FOR CONTINUANCES** - None

Commissioner Kramer arrived at this juncture (6:34 p.m.).

VI. **CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF JANUARY 3, 2013**

**Recommended Action:** Approve and file

Chair Toerge noted receiving corrections to the minutes from Mr. Mosher and that the changes were incorporated into the minutes.

Interested parties were invited to address the Commission. There was no response and Chair Toerge closed public comments for this item.

**Motion** made by Chair Toerge and seconded by Commissioner Myers and carried 3 – 1, to approve the minutes of the Planning Commission meeting of the January 3, 2013, Regular meeting, as amended.

AYES: Brown, Myers and Toerge  
NOES: None  
ABSTENTIONS: Hillgren, Kramer and Tucker  
ABSENT: Ameri

## **VII. PUBLIC HEARING ITEMS**

### **ITEM NO. 2 Zoning Code Amendment Single Room Occupancy Residential Hotels and Parking for Emergency Shelters (PA2012-179) Site Location: Citywide**

Assistant Planner Whelan presented the report addressing background, State law requirements relative to the insertion of SROs and adding provisions that would allow SROs within the commercial and office zoning districts, approval of the Housing Element by the City Council and proposed minor changes to the definitions.

Community Development Director Brandt clarified the requirements.

Ms. Whelan addressed parking standards for emergency shelters, research conducted by staff with other cities and operators and recommendations.

In response to an inquiry from Vice Chair Hillgren, Ms. Whelan reported that the State requires that the City identify zones where SROs could be permitted and that the recommendation is to permit them in commercial and office zoning districts, consistent with the Zoning Code.

In response to an inquiry from Commissioner Brown, Ms. Whelan clarified the statistical measure of half a parking space per bedroom.

Interested parties were invited to address the Commission on this matter.

Denys Oberman questioned the difference between the City's definition of SROs and the HUD definition and addressed issues that have caused complications due to inconsistencies between definitions at the various jurisdictional levels. She supported the need for SROs but requested that the Commission consider what zones may be most appropriate for and compatible with other than an office designation. She reported that SROs have certain characteristics in terms of attracting transient population and causing intensification of uses. She proposed that already dense areas would not be appropriate for SROs and that there be specific commercial or office areas within the City that are designated as appropriate. Ms. Oberman addressed the CUP process and felt that it is resource intensive.

Jim Mosher commented on parking requirements for emergency shelters and suggested including language to identify additional requirements. He stated agreement with the previous speaker's comments and felt that SROs do not need to be allowed in all commercial and office zones. He stated confusion in terms of the definitions of residential and non-residential and referenced written comments he submitted recommending inclusion of alternative definitions.

There being no others wishing to address the Commission, Chair Toerge closed the public hearing.

Ms. Brandt reported that a definition is being provided for SROs which is the same definition used in the Code prior to the most recent update. The definition was inadvertently omitted in the update, and the State's review of the Housing Element resulted in direction to reinsert into the Zoning Code. The reinsertion makes it consistent with the City's Housing Element and consistent with the pre-2010 Zoning Code. Ms. Brandt addressed the HUD definition, noting that it is broad and does

not have a requirement excluding kitchen facilities and allows the jurisdiction to include or not include kitchen facilities or a bathroom within individual units. She added that the HUD definition does not address the number of individual units allowed. Regarding location of SROs, Ms. Brandt reported that historically, they have been included in commercial or non-residential zones and typically they are quasi-residential uses typically found in non-residential zones.

Vice Chair Hillgren inquired about the changes in the definition and Ms. Whelan reported striking out the reference to HUD.

Commissioner Tucker reported that there is no requirement that the City allow SRO uses.

Ms. Brandt addressed the intent of the Housing Element program noting that it is to allow zoning provisions that would allow the City to consider such uses. It is not permitted by right but is discretionary with a Conditional Use Permit. Every application can be evaluated on its own merit given the location and proximity to other uses in the area.

Discussion followed regarding the Conditional Use Permit process.

Assistant City Attorney Mulvihill added that the Housing Element is requiring the City to allow for the use in the specific zones but the City retains full discretion as to the findings and approving or not approving the CUP.

**Motion** made by Commissioner Brown and seconded by Chair Toerge and carried 5 – 1, to adopt the revised Resolution No. 1903 recommending City Council approval of Code Amendment No. CA2012-009, as modified by staff.

AYES:	Brown, Hillgren, Myers, Toerge and Tucker
NOES:	None
ABSTENTIONS:	Kramer
ABSENT:	Ameri

**ITEM NO. 3 Residential Lot Merger Code Amendment (PA2012-102)**  
**Site Location: R-1, R-BI, and R-2 Zoning Districts of Balboa Island, Balboa Peninsula, Corona del Mar, Lido Isle, and West Newport**

Planning Manager Patrick Alford presented details of the report addressing Council initiation of the matter, examples of typical lots, setbacks resulting from mergers, increases in potential floor areas and typical setbacks. He addressed key proposed provisions relative to parcel maps and lot-line adjustments, areas affected by the amendment, regulations and findings, other approaches including increasing remaining side yard setbacks, modifying floor area limit ratios and related variances. Mr. Alford reported that the information provided is for typical lots with typical setbacks and noted that there could be many variations in the results if the amendment is approved and applied.

Discussion followed regarding areas governed, applicability to Newport Heights and applying the amendment to the older areas of town and clarifying language to not include Newport Heights, provisions regarding setbacks increasing to four feet and effects to overall square footage.

In response to Chair Toerge's inquiry, Mr. Alford explained the 50 percent rule noting that it was intended to address fragments of lots and reported that staff is trying to avoid significant increases in overall lot widths to maintain compatibility and apply the new standards to lots that have significant changes in lot configurations.

Chair Toerge indicated support for the ordinance but asked the Commission for input on how they might create the opportunity for the Commission to consider increased setbacks in case where they may not otherwise support a lot.

In response to Vice Chair Hillgren's inquiry, Mr. Alford addressed notice to residents and where the ordinance would apply. Mr. Alford noted that potentially, approximately 8,000 parcels could be impacted by the amendment. He reported on efforts made to notice the item, including a display ad and letters to applicable community associations. He reported that no responses were received.

Commissioner Tucker commented on expanding setbacks, limiting floor areas of combined lots and the possibility of allowing designers to determine how the floor area will be used on the lots.

Chair Toerge felt that the square footage could be included in any location and developing a process for the Commission to consider where the square footage would be appropriate.

Mr. Alford addressed the possibility of new construction and stated that it would be possible that lot mergers could include existing structures that are currently conforming to side yard setbacks.

Interested parties were invited to address the Commission on this matter.

Denys Oberman felt that the original intent of the ordinance was to manage compatibility. She stated that there are lot mergers occurring as well as lot reconfigurations. She addressed issues of safety, access and privacy and suggested adding language to articulate that there needs to be sufficient setbacks to afford fire compliance and privacy as well as adequate insulation from noise and air quality impacts.

Jim Mosher asked why the amendment would be applied selectively to specific areas and not City-wide, the appropriateness of the 50% rule and lots that are back-to-back. He suggested striking out "width" and include "area" to apply to odd lot configurations. He felt that the CEQA finding is not a finding and expressed concerns with selectively applying the ordinance to little pieces of the Zoning Code without showing sections as a whole, noting that they would be "sub-sections". Mr. Mosher pointed out minor typographical errors within the report.

There being no others wishing to address the Commission, Chair Toerge closed the public hearing.

Commissioner Tucker referenced the revised resolution and suggested that the language in the report be consistent throughout the document. He was unsure whether Council direction included re-tooling the setbacks and pointed out areas of ambiguity.

Chair Toerge noted that the Commission was asked to make a recommendation. He questioned why the ordinance is not applicable to R-1 zones in the City.

**Motion** made by Chair Toerge and seconded by Commissioner Brown to adopt Resolution No. 1904 recommending City Council approval of Code Amendment No. CA2012-107, without the restriction that it only apply to the areas specified in the report, but that they apply to R-1, R-BI and R-2 zoning districts.

Mr. Alford noted that the public notice for the amendment stated that it would be limited to certain areas. He asked the Assistant City Attorney if the Commission could include other areas. Assistant City Attorney Mulvihill indicated that the Commission was only making a recommendation and that the item will be noticed to Council accordingly.

Chair Toerge stated that the 50% increase in area is a reasonable barometer rather than the 50% increase in the lot width. He dropped the request of modifying the setbacks.

Commissioner Myers indicated that he supports the 50% width noting that the issue affects side-by-side lots and would cover a broad range of variables for lot mergers.

Vice Chair Hillgren indicated he could not support the motion because the item was noticed to include other areas. He agreed with changing width to area.

**Substitute motion** made by Vice Chair Hillgren to adopt Resolution No. 1904 recommending City Council approval of Code Amendment No. CA2012-107 as proposed in the modified staff report and changing "width" to "area" throughout the amendment.

Commissioner Tucker suggested replacing language "on" to "of" relative to 50% of the lots involved throughout with additional corrections.

Vice Chair Hillgren agreed to the inclusion and Commissioner Tucker seconded the motion. The motion carried 6 – 1.

AYES:	Brown, Hillgren, Kramer, Myers, Toerge and Tucker
NOES:	None
ABSTENTIONS:	None
ABSENT:	Ameri

**ITEM NO. 4 Existing City Hall Complex Reuse Amendments (PA2012-031)**  
**Site Location: 3300 Newport Boulevard and 475 32<sup>nd</sup> Street**

Commissioner Kramer indicated that he will recuse himself from hearing the aforementioned item because he holds an income-earning business position at Pacific Hospitality Group, which is in the business of hotel management and development. Although he does not believe there is a conflict of interest, he is doing so out of an abundance of caution. In addition, he requested to be excused for the remainder of the meeting as this is the last action item under the agenda. He departed the Chambers at this time.

Commissioner Ameri arrived at this juncture (7:27 p.m.).

Principal Planner James Campbell presented details of the report addressing site location, description of the project, changes to the regulatory scheme, policies and Zoning Code, existing structures on the property, current zoning designation and plans for the reuse of the site for other purposes. He presented background including visionary concepts for the area, design guidelines, and initiation of the subject land-use amendments by the City Council. He addressed the proposed land-use designation and purpose, description of possible civic uses, establishment of intensities and densities and amendments to the General Plan, Coastal Land Use Plan, and proposed Zoning Code standards. Mr. Campbell addressed the possibility of allowing a hotel, residential uses and retail uses and establishing development standards for the new zone. He addressed building heights, setbacks, open-space areas and reported the attendance of Keaton Kreitzer to discuss the environmental documents.

Mr. Kreitzer reported that he was retained by the City to prepare environmental documents for the proposed amendments and reported that once the project description was crafted, the preparation of an initial study was conducted to evaluate the scope of the project. He noted that an analysis was crafted to address a programmatic level of detail with broad impacts and broad mitigation efforts. He reported there would be no physical impacts if the project (the proposed amendments) is approved.

Physical impacts would only occur upon development of a specific project. He addressed distribution of a Mitigated Negative Declaration, receipt of comments and responses to them. Future projects would be subject to subsequent environmental, planning, and engineering review.

Discussion followed regarding the use of italics in the document.

Mr. Campbell reported that public views were reviewed on a broad problematic level and that no view simulations were conducted. He stressed that specific public views are protected based on General Plan policies. He reported that no shade and shadow impacts were prepared at this time because there are no sensitive land uses in close proximity. Regarding traffic, he stated that in the likely development scenarios considered based on the maximum land use allocations that the General Plan would allow, peak hour traffic was reduced compared to peak hour attributable to existing uses, therefore, there are no significant impacts related to traffic. Future projects would undergo their own environmental and engineering review and would come before the Planning Commission for consideration. Mr. Campbell also discussed the requirements of the Traffic Phasing Ordinance and stated that since any potential development would not increase average daily trips above the daily trips of existing uses by more than 300, no traffic study is required. Mr. Campbell also discussed the "plan-to-plan" peak hour trip analysis required by Charter Section 423 as a separate analysis from the existing uses to plan analysis also conducted, and he reported that no vote of the electorate would be required.

Mr. Campbell reported that the Native American Tribal Consultation was conducted pursuant to State law and that he received a phone call in response indicating that there are no resources known on the site but that tribal representatives are available to monitor grading project if deemed necessary. He addressed the next steps including future Council consideration of the item, Coastal Commission consideration and staff's recommendation for approval.

In response to Vice Chair Hillgren's inquiry, Mr. Campbell explained why the maximum hotel intensity of 99,675 was determined and addressed traffic concerns. He added that a reduction of peak-hour traffic is being predicted in each likely development scenario and there may be a slight increase in daily trips depending upon the size of potential future hotel.

Regarding potential traffic mitigation efforts, City Traffic Engineer Tony Brine reported that there are improvements outlined in the General Plan regardless of potential uses on the site.

Mr. Campbell reported that staff anticipates maintaining the existing access points and that potential changes to rights-of-way proposed by future developers would need to be evaluated at that time and would be project-specific.

Assistant City Attorney Mulvihill reported that pursuant to CEQA guidelines, there is no obligation to analyze the project at a greater degree of specificity than what is currently before the Commission. To do so at this time would be speculative.

Commissioner Tucker commented on entitlements and asked why the City didn't wait until there was a project-specific analysis.

Mr. Campbell stated that he believes it is a result of the Coastal Commission's timing and that it is the intent to present the Coastal Land Use Plan amendment to the Coastal Commission as soon as possible since their process can take a significant amount of time. Specific proposed developments would also need to be presented to the Coastal Commission and staff has been advised by Coastal Commission staff that they would prefer to see the amendments first, separate from any specific development project.

Discussion followed regarding the process and project development reviews.

In response to Chair Toerge's inquiry regarding Council's limiting the density and intensity of use of the site to ninety-nine residential units or a boutique hotel instead of allowing for other alternatives, Community Development Director Brandt explained that staff has been in the process of looking for appropriate uses for the property for over two years. Council has identified the area as a revitalization area and has spent a significant amount of time and resources in evaluating potential uses for the area as it transitions into the future. The issue was reviewed by a Citizens' Advisory Panel and Council embarked on a market and an economic analysis for appropriate land uses for the site. Council directed staff to send out a Request for Qualifications focusing on the land uses and the overall limitations on density and intensity of use are related to Measure S restrictions.

Chair Toerge felt that it would have been better to engage RFPs and have the Ad Hoc Committee review them and identify whether or not they presented good ideas.

Commissioner Ameri stated that obtaining other innovative ideas has been eliminated and questioned the number of companies chosen to present proposals.

Ms. Brandt reported that six teams have been chosen to submit RFPs.

Interested parties were invited to address the Commission on this matter.

Denys Oberman commented on the process and felt that in lieu of the Design Guideline process, the City would have served itself better to have an active outreach for RFPs to look at a specific plan amendment. She stated that the public weighed in heavily and consistently on this site and was looking for a way that the City could establish a destination anchor that could spearhead successful revitalization of the entire Lido Marina area. The public advocated for a boutique hotel as a destination anchor. She addressed the results of the market and economic analyses and expressed concerns with the Design Guidelines noting that they should not be stated to be anything more than a concept. She felt the Design Guidelines need to be put in perspective and should be properly defined as it relates to CEQA considerations. Ms. Oberman questioned the MULV designation and whether it is specific to the City Hall site or to the entire Lido Village. She stated the need for significant environmental review and suggested that the Planning Commission not proceed with approving the current environmental review. She opined that there will be significant impacts to traffic both to the site and to Lido Village and asked how a decrease in traffic was determined, especially with residential uses. She encouraged the Commission to not approve the Mitigated Negative Declaration in its current form.

Jim Mosher indicated that the recommendation for approval is premature before the Council and the public have a clear idea of what they want to do with this property. He expressed concerns with the traffic analysis, the MND and felt that the document was not carefully prepared.

Robert Hawkins, representing several community groups in the City, raised a concern that a shade and shadow analysis should be prepared. He noted that the proposed zoning provides for open space noting that it would create a shade-sensitive use that requires further study and the lack of that study creates a land-use impact. He referenced written comments which were previously submitted and reported that no notice was received, that a continuance was requested and commented on use of italics in the environmental document. He reported that CEQA requires looking at worst-case scenarios and felt that a variety of impacts were not adequately considered. He commented on the process noting that the programmatic MND does not analyze anything and felt that the subsequent environmental analysis will consist of a Notice of Exemption. He objected to "piece-mealing" the project analysis and encouraged the Commission to reject the MND and stated that an EIR should be prepared and that the alternatives analysis in an EIR provides the ability to analyze the impact

attributable to various project alternatives. Mr. Hawkins stated that the environmental analysis is in conflict with Council policy K3 and felt that the project does not meet this policy and that an EIR should be prepared.

In response to Commissioner Tucker's inquiry regarding the ability to have a General Plan amendment and a zone change without having a specific project, Mr. Hawkins agreed that it can occur but he also indicated that it is not an acceptable way of pursuing the CEQA process.

Commissioner Tucker noted that a CEQA analysis for a future development project will be needed and that specific developments will be considered by the Planning Commission. He commented on the alternatives analysis and asked Mr. Hawkins to address the arguments that he feels are most compelling.

Mr. Hawkins expressed his concern that the subsequent environmental analysis will consist of a Notice of Exemption. He expressed the belief that the proposed General Plan Amendment would allocate the remaining possible density and intensity under the Green Light thresholds creating a land-use impact that must be analyzed and that was not addressed in the MND. He added that substantial evidence supports the potential of significant impacts which aren't analyzed in the document, including the shade analysis, impacts on open space and on outdoor restaurants in proximity as well as impacts on residential land uses. He encouraged the Commission to deny the matter and conduct an EIR which will require an alternatives impact analysis.

There being no others wishing to address the Commission, Chair Toerge closed the public hearing.

In response to Chair Toerge's inquiry, Mr. Campbell reported that the analysis of shadows that might be created by a future project is not required under CEQA but is rather a design issue that will be considered when the future project is reviewed. He disagreed that there are nearby restaurants that will be impacted by shading attributable to future development of the site as there are no nearby outdoor restaurants. Shade and shadow impacts are typically considered with nearby residential uses and that it is unlikely that there will be an impact considering the proximity of the project site and the existing Fire Station in that location. Shade/shadow analysis could be conducted if future developments would impact sensitive land uses.

Regarding the Design Guidelines, Mr. Campbell reported that the proposed amendments are not being evaluated against the Guidelines but rather that the Guidelines would apply to any future development of the project site. That evaluation and ultimate requirement of a finding of consistency strengthens a future project's compatibility with the area and the future vision for the area. He added that the Design Guidelines are guidelines and not regulatory as an ordinance would be but the Guidelines require any future project to be found consistent with the guidelines.

Assistant City Attorney Mulvihill noted that the Design Guidelines set the concept for the area and have been adopted by the City Council.

In reply to Chair Toerge's inquiry, Mr. Campbell explained the basic requirements of Charter Section 423 and when a vote of the electorate would be required and how the subject amendment, if approved, would affect the analysis of future general plan amendments within the statistical area. He explained that should the City approve this amendment, it would become a "prior amendment" as defined by Section 423 and 80% of increased floor area, 80% of increased residential units, and 80% of increased peak hour trips will be added to the increases resulting from two prior amendments approved within the previous ten years. The resulting total would be added to the increases attributable to a future General Plan Amendment within the next ten years and should the totals exceed applicable Section 423 thresholds, a vote would be required to validate the City's approval of that future GPA. In summary, the proposed amendment with two prior amendments equals the floor



area and residential unit threshold and does not exceed it so not vote is required for the subject amendment. Since 80% of the total floor area and units are added to a future GPA application, 80% of the threshold amounts would apply to that future amendment leaving a modest amount of floor area and residential units (8,000 square feet and 20 units) for a future GPA without necessitating a vote. He also reported that should the increased density and intensity of the General Plan amendment not be built, it can be transferred to another location within the statistical area by the City Council to meet other revitalization goals.

A question was raised about whether there was a time limit within which development must occur pursuant to the GPA and whether the City could reconsider the allocation.

Ms. Brandt reported that the General Plan, the Coastal Land Use Plan and the Zoning Code are the City's vision for the community and that the City can initiate amendments to them without authorization from a property owner. The City controls the development for the community through the General Plan and has the ability to initiate changes without the consent of a property owner. The General Plan does not provide timeframes and if needs of the community change, Council can initiate amendments to address those needs.

Commissioner Ameri indicated that he did not agree with the City's approach to get to this point, but commented on what is being proposed noting that there is currently no site plan or proposed development and that this is not the time to discuss physical criteria of shade, open space or impacts.

Assistant City Attorney Mulvihill reported that the concerns relate to the proposed height, which is different from the existing Zoning Code. She stated that through the consultant's process, it was determined that there are no significant impacts caused by the proposed amendments.

Commissioner Ameri reported that there are a lot of factors that could impact the site depending on the future development but that no development is being considered at this time.

**Motion** made by Commissioner Ameri and seconded by Commissioner Tucker and carried 6 – 1, to adopt Resolution No. 1905 recommending City Council adoption of the City Hall Reuse Project Initial Study/Mitigated Negative Declaration (SCH# 2012111074) including a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act; and adopt Resolution No. 1906 recommending City Council approval of General Plan Amendment No. GP2012-002, Coastal Land Use Plan Amendment No. LC2012-001, and Zoning Code Amendment No. CA2012-003.

AYES: Ameri, Brown, Hillgren, Myers, Toerge and Tucker  
NOES: None  
ABSTENTIONS: None  
ABSENT (Excused): Kramer

Commissioner Tucker noted there is no confusion as to what is being recommended and noted that part of the process is that an environmental document has to support what is proposed. He referenced public comments that were not in agreement with the process because they believed that staff was going beyond what is actually being considered. The purpose of the discussion was to detail exactly what is on the record and it is important to demonstrate that the Commission understands the consequences of what was proposed. He stressed the importance of demonstrating that the Commission understands and engages in the process in case of possible future litigation.

Commissioner Tucker noted that a significant impact is not determined by the opinion of the public as to whether or not there is consequence to a particular development but rather a significant impact is created when that impact exceeds a stated threshold. The Commission is mandated by CEQA to ignore matters of opinion that are not supported in the record by substantial evidence.

Commissioner Brown stressed that there will be a complete environmental analysis of the subsequent specific development.

Assistant City Attorney Mulvihill reported that there will be an environmental analysis because CEQA requires it at the time a specific project is approved. Until there is an actual project before the Commission, it is unknown what CEQA will require in terms of the environmental analysis.

Commissioner Tucker reported that even if there is an exemption, there still will be an analysis as to why it is consistent with what was already done.

Ms. Brandt addressed tiered environmental approaches and when a project comes forward, the current environmental document will serve as a basis for the subsequent environmental review for the next step of the process, which will be a specific development project.

#### **VIII. STAFF AND COMMISSIONER ITEMS**

##### **ITEM NO. 5 MOTION FOR RECONSIDERATION – None**

##### **ITEM NO. 6 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Community Development Director Brandt referenced the schedule for the 2013 Planning Commission meetings and suggested that the Planning Commission may want to hold the December 19, 2013 meeting earlier in the afternoon. She reminded Commission that the February 7, 2013 meeting will begin at 5:00 p.m.

Ms. Mulvihill reported that she may be late, but that Assistant City Attorney Michael Torres will be available for the first two items on that agenda.

In response to Commissioner Tucker's inquiry, Ms. Brandt reported that staff is still determining when Commission meetings will be held at the new City Hall facility. She stated that she will provide an update at the next Planning Commission meeting.

##### **ITEM NO. 7 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT. - None**

##### **ITEM NO. 8 REQUESTS FOR EXCUSED ABSENCES - None**

#### **IX. ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:53 p.m.

The agenda for the Regular Meeting was posted on January 11, 2013, at 3:50 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.

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Michael Toerge, Chairman

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Fred Ameri, Secretary

DRAFT

ADDITIONAL  
MATERIALS  
RECEIVED

## Comments on February 7, 2013 PC Agenda Items

The following comments on items on the February 7, 2013 Newport Beach Planning Commission agenda are submitted by: Jim Mosher ( [jimmosher@yahoo.com](mailto:jimmosher@yahoo.com) ), 2210 Private Road, Newport Beach 92660 (949-548-6229)

### **Item No. 1 : Minutes of January 17, 2013**

The following minor corrections are suggested:

Page 2, third line from bottom: "... resulted in direction to reinsert ~~it~~ into the Zoning Code."

Page 4, first sentence: "... consider increased setbacks in ~~case cases~~ where ...".

Page 4, middle paragraph: "He suggested striking out "width" and ~~include substituting~~ "area" to ~~apply to accommodate~~ odd lot configurations." ... "... noting ~~that they would be these~~ were "sub-sections".

Page 4, third sentence from end: "He questioned why the ordinance is not applicable to all R-1 zones in the City."

Page 5, third sentence: "Vice Chair Hillgren indicated he could not support the motion because the item was not noticed to include other areas."

Page 6, third paragraph: "... public views were reviewed on a broad ~~problematic~~ programmatic (?) level ..." ... "... no shade and shadow ~~impacts impact studies~~ were prepared ..."

Page 6, fourth paragraph: "representatives are available to monitor ~~grading-project project~~ grading if deemed necessary."

Page 6, fifth paragraph: "Mr. Campbell explained why the maximum hotel intensity of 99,675 square feet was determined ...."

Page 8, second line: "... in conflict with Council ~~policy-K3~~ Policy K-3 ..."

Page 9, first line: "...so ~~not~~ no vote is required ..."